

**RECOMMENDATIONS****COMMUNITY PLANNING GROUP/STAFF'S/PLANNING COMMISSION**

Project Manager must complete the following information for the Council docket:

**CASE NO. 43570**

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**STAFF'S**

Please indicate recommendation for each action. ie: resolution/ ordinance

Approve Coastal Development Permit No. 209151; and  
Approve Public Right-of-Way Vacation No. 82533

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**PLANNING COMMISSION** (list names of Commissioners voting yea or nay)

**YEAS:**                    **The City of San Diego Land Development Code defines this action is defined as a "Summary" vacation which does not require a recommendation from the Planning Commission.**

**NAYS:**

**ABSTAINING:**

TO: (list recommendation or action)

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**COMMUNITY PLANNING GROUP**

LIST NAME OF GROUP: Peninsula    11-0-2

- ☐ No officially recognized community planning group for this area.
- ☐ Community Planning Group has been notified of this project and has not submitted a recommendation.
- ☐ Community Planning Group has been notified of this project and has not taken a position.
- ☐ Community Planning Group has recommended approval of this project.
- ☒ Community Planning Group has recommended denial of this project.
- ☐ This is a matter of City-wide effect. The following community group have taken a position on the item:

In favor: 11  
Opposed: 0  
Abstained 2

By \_\_\_\_\_  
Patrick Hooper, Development Project Manager

000307

338  
02/24

<b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO					CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)	
TO: CITY COUNCIL		FROM (ORIGINATING DEPARTMENT): Development Services Department		DATE: 01/12/2009		
SUBJECT: Dudley Street Vacation - Project Number 43570						
PRIMARY CONTACT (NAME, PHONE): Patrick Hooper, 619 557-7992				SECONDARY CONTACT (NAME, PHONE): Paul Godwin,		
COMPLETE FOR ACCOUNTING PURPOSES						
FUND						
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P. NUMBER						
AMOUNT	0.00	0.00	0.00	0.00	0.00	0.00
FUND						
DEPT.						
ORGANIZATION						
OBJECT ACCOUNT						
JOB ORDER						
C.I.P. NUMBER						
AMOUNT	0.00	0.00	0.00	0.00	0.00	0.00
COST SUMMARY (IF APPLICABLE):						
ROUTING AND APPROVALS						
CONTRIBUTORS/REVIEWERS:		APPROVING AUTHORITY		APPROVAL SIGNATURE		DATE SIGNED
Environmental Analysis		ORIG DEPT.		Broughton, Kelly		2/2/2009
		CFO				
		DEPUTY CHIEF		Goldstone, Jay		2/4/2009
		COO				
		CITY ATTORNEY				
		COUNCIL PRESIDENTS OFFICE				
PREPARATION OF:		<input checked="" type="checkbox"/> RESOLUTIONS		<input type="checkbox"/> ORDINANCE(S)		<input type="checkbox"/> AGREEMENT(S)   <input type="checkbox"/> DEED(S)
Approve a resolution vacating a portion of the Dudley Street public right-of-way.						
STAFF RECOMMENDATIONS: APPROVE Public Right-of-Way Vacation No. 82533; and APPROVE Coastal Development Permit No. 209151.						
SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)						
COUNCIL DISTRICT(S):		2				
COMMUNITY AREA(S):		Peninsula				

000308

ENVIRONMENTAL IMPACT:	This activity was determined to be exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301 – existing facility.
CITY CLERK INSTRUCTIONS:	As a Street Vacation action this project requires published notice for two consecutive weeks.

000309

**COUNCIL ACTION  
EXECUTIVE SUMMARY SHEET  
CITY OF SAN DIEGO**

DATE: 01/12/2009

ORIGINATING DEPARTMENT: Development Services Department

SUBJECT: Dudley Street Vacation - Project Number 43570

COUNCIL DISTRICT(S): 2

CONTACT/PHONE NUMBER: Patrick Hooper/619 557-7992

**REQUESTED ACTION:**

This action is a request to vacate a portion of the partially improved Dudley Street Public Right-of-Way in the Peninsula Community Plan area.

**STAFF RECOMMENDATION:**

APPROVE Public Right-of-Way Vacation No. 82533; and

APPROVE Coastal Development Permit No. 209151.

The project is requesting a partial vacation of the Dudley Street public right-of-way between Gage Drive and Albion Street in the Peninsula Community Plan area. The area proposed to be vacated is currently unimproved for vehicle access. The site includes a level padded area which transitions into steep slopes as the right-of-way progresses towards east to Gage. The proposed vacation area is however landscaped with mature trees and a foot path that provides pedestrian access from Dudley Street. The entire portion of the right-of-way proposed to be vacated would be over laid with a general utility easement and also include a 20 foot wide pedestrian access easement down the center of the property. Therefore, the proposed vacation would not result in any physical change to the current condition of the neighborhood with the exception of upgrading the landscape and foot path to Americans with Disabilities Act (ADA) standards. The project site is within a fully developed single-family residential neighborhood and the purpose of vacating the right-of-way is to upgrade the existing landscape and enhance the neighborhood amenity.

**Regulatory Framework**

The Land Development Code establishes a process for approving applications to vacate public rights-of-way and includes the applicable findings that a decision maker must make to approve the requested vacation. The findings generally establish that there is no present or prospective use for the right-of-way, either for the use for which it was intended, or a public use of a similar nature; that the public will benefit from the vacation by the improved use of the land; that the vacation will not adversely affect the applicable land use plan; and that the public facility for which the right-of-way was originally acquired will not be detrimentally affected by the vacation. The Land Development Code defines a right-of-way vacation action as development, and therefore a companion Coastal Development Permit is required in the Coastal Overlay Zone.

Staff has concluded that the purpose and intent for which the public right-of-way was originally dedicated has not been met. The area to be vacated was never improved or utilized as a street and the existing pedestrian access would be maintained via an access easement. The proposed vacation would not adversely affect any existing access to surrounding properties. The right-of-

way is not required to provide circulation within the neighborhood and due to the steep topography it would be impractical to utilize the right-of-way as a thoroughfare to Gage Drive. The proposed vacation meets all of the criteria that would allow a decision maker to affirm the required findings. The public would benefit by relinquishing the maintenance and liability associated with the easement and the abutting property owners would benefit from the closure by regaining the vacated portion of the right-of-way for which they own the underlying fee title. The proposed vacation would not adversely affect the peninsula community plan and the proposed vacation would not affect current on-street parking or existing access to adjacent properties. Similarly, staff has determined that the required findings for the Coastal Development Permit can be affirmed as the proposed vacation would not adversely affect the community plan, would not adversely affect the health, safety or welfare of the neighborhood and would be consistent with the Land Development Code.

#### FISCAL CONSIDERATIONS:

All of the cost of processing the Public Right-of-Way Vacation application is paid for by the applicants.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None.

#### COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The City of San Diego Land Development Code defines the proposed action as a "Summary Vacation" and as such, no Planning Commission recommendation is required for this process five decision. On September 21, 2006, the Peninsula Community Planning Board voted 11-0-2 recommending the project be denied. The applicant claims that he was prepared to give a presentation to the board but the chair would not permit him to do so and instead made a motion to deny the project. The explanation for not hearing the item was that as a matter of policy the board does not support any right-of-way vacation in the Peninsula community (Attachment 5). The board minutes of September 21, 2006 do not include any discussion explaining the motion or vote (Attachment 6). This action reversed a previous Peninsula Community Planning Board motion recommending to approve the proposed right-of-way vacation by a vote of 9-0-2 on October 19, 2000 (Attachment 7).

#### KEY STAKEHOLDERS:

Daniel and Susan Frazee, owners 3521 Dudley Street; The Morton Family Trust, owner, 3520 Dudley Street; and William Steen, applicant/civil engineer.

Broughton, Kelly

Originating Department

Goldstone, Jay

Deputy Chief/Chief Operating Officer

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

## DUDLEY STREET RIGHT-OF-WAY SUMMARY VACATION.

WHEREAS, California Streets and Highways Code section 8330 et seq. provides a procedure for the summary vacation of public street easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owners have requested the vacation of the public right-of-way to unencumber their property and facilitate development of the site as conditioned in approved Coastal Development Permit No. 209151; and

WHEREAS, the City Council finds that:

(a) there is no present or prospective use for the public right-of-way, either for the purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated. There is no current plan or future anticipation to improve this portion of Dudley Street right-of-way because the unimproved paper street includes extreme topography with steep slopes that would preclude the reasonable extension of the right-of-way through to Gage Drive. Additionally, the portion of the right-of-way proposed to be vacated is not identified in the Peninsula Community Plan's Circulation Element as a through street nor is this required for normal circulation through the neighborhood; and

(b) the public will benefit from the vacation through improved utilization of land because the vacated right-of-way would be enhanced as a neighborhood amenity including a communal landscaped area with a new pedestrian path and a defined terminus for the improved portion of Dudley Street; and

(c) the vacation does not adversely affect the General Plan or an approved Community Plan in that the General Plan does not address right-of-way vacations and the Peninsula Community Plan does not identify this site as a through street, open space or required circulation element; and

(d) the public system for which the right-of-way was originally acquired will not be detrimentally affected by this vacation in that the neighborhood has well established traffic patterns, adequate parking and sufficient circulation options that would not be altered by the proposed vacation; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

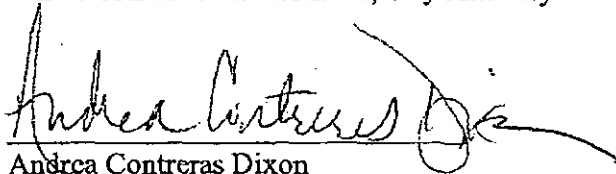
1. That the street easement located within the Dudley Street right-of-way in connection with Coastal Development Permit No. 209151, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20256-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR-\_\_\_\_\_, and RR-\_\_\_\_\_, which are by this reference incorporated herein and made a part hereof, is ordered vacated reserving therefrom an easement for general utilities and together with ingress and egress for that purpose; and a 20-foot wide pedestrian access easement for the use and enjoyment by the general public.

2. That said Dudley Street vacation is conditioned upon recording Coastal Development Permit No. 209151. In the event this condition is not completed within three years following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

3. That the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

  
Andra Contreras Dixon  
Deputy City Attorney

ACD:pev  
01/30/09  
Or.Dept:DSD  
R-2009-821  
MMS #7651



000315

EXHIBIT 'A'

Legal Description for  
Dudley Street Vacation

PARCEL 1

That portion of Dudley Street of Magnolia Park, in the City of San Diego, County of San Diego, State of California, as dedicated per Map hereof No. 1435, filed in the office of the County Recorder of San Diego County on May 2, 1912 and described as follows:

Beginning at a point on the northerly line of Dudley Street, said point being the southwest corner of that portion of Block 4 Lot A in said Map 1435, per Grant Deed recorded October 25, 1966 in said County as File/Page No. 170701; thence South  $77^{\circ}02'15''$  East 9.00 feet to the TRUE POINT OF BEGINNING; thence continuing South  $77^{\circ}02'15''$  East along the northerly line of Dudley Street 91.00 feet; thence South  $12^{\circ}57'45''$  West 30.00 feet to the centerline of Dudley Street; thence North  $77^{\circ}02'15''$  West along the centerline of Dudley Street 61.00 feet to the beginning of a tangent curve, concave westerly and having a radius of 30.00 feet; thence northwesterly along the arc of said curve through a central angle of  $90^{\circ}00'00''$ , a distance of 47.12 feet to the end of said curve and TRUE POINT OF BEGINNING.

Reserving therefrom a general utilities and access easement over the entire said vacated street.

Also reserving therefrom a pedestrian access easement over the southerly 5 feet of said street vacation.

PARCEL 2

That portion of Dudley Street of Magnolia Park, in the City of San Diego, County of San Diego, State of California, as dedicated per Map hereof No. 1435, filed in the office of the County Recorder of San Diego County on May 2, 1912 and described as follows:


Beginning at a point on the northerly line of Dudley Street, said point being the southwest corner of that portion of Block 4 Lot A in said Map 1435, per Grant Deed recorded October 25, 1966 in said County as File/Page No. 170701; thence South  $77^{\circ}02'15''$  East 9.00 feet; thence South  $12^{\circ}57'45''$  West 60.00 feet to the TRUE POINT OF BEGINNING also being a point on the southerly line of Dudley Street, said point also being a point of cusp with a curve, concave northwesterly and having a radius of 30.00 feet, to which point a radial line bears South  $12^{\circ}57'45''$  West; thence easterly and northerly along the arc of said curve through a central angle of  $90^{\circ}00'00''$ , a distance of 47.12 feet to the centerline of Dudley Street; thence South  $77^{\circ}02'15''$  East along the centerline of Dudley Street 35.95 feet; thence South  $12^{\circ}57'45''$  West 30.00 feet to the southerly line of Dudley Street; thence North  $77^{\circ}02'15''$  West 65.95 feet to the TRUE POINT OF BEGINNING.

Reserving therefrom a general utilities and access easement over the entire said vacated street.

000316

Also reserving therefrom a pedestrian access easement over the northerly 15 feet of said street vacation.

PTS 43570  
W.O. No. 426386  
DWG. 20256-B

 7-27-07  
\_\_\_\_\_  
William A. Steen Date  
RCE 18136





RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

A RESOLUTION APPROVING COASTAL DEVELOPMENT  
PERMIT NO. 20951 – DUDLEY STREET VACATION  
PROJECT.

WHEREAS, Daniel and Susan Frazce, and The Morton Family Trust, Owners/Permittees, filed an application with the City of San Diego for a coastal development permit to vacate an unimproved portion of the Dudley Street Vacation known as the Dudley Street Vacation project, located at 3520 and 3521 Dudley Street, and legally described as a portion of the Dudley Street Right-of-Way established as part of Map No. 1435, in the Peninsula Community Plan area, in the RS-1-4 zone; and

WHEREAS, this Coastal Development Permit No. 209151 is a part of a Summary Street Vacation project and as such does not require a recommendation from the Planning Commission; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented;

WHEREAS, the matter was set for public hearing on \_\_\_\_\_, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 209151:

**A. COASTAL DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE  
[SDMC] SECTION 126.0708**

**1. The proposed coastal development will not encroach upon any existing physical access way that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program land use plan.** The proposed coastal development is a request to vacate an unimproved portion of the Dudley Street Right-of-Way. The portion of the Dudley Street Right-of-Way proposed to be vacated does not currently, nor is proposed in the future, to provide physical accessway for the public to or from any coastal shoreline or water way. The project area is within a fully developed single-family neighborhood and the Dudley Street Right-of-Way vacation would not affect any public coastal views.

**2. The proposed coastal development will not adversely affect environmentally sensitive lands.** The proposed coastal development is a request to vacate an unimproved portion of the Dudley Street Right-of-Way. There are no environmentally sensitive lands identified on the project site.

**3. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.** The proposed coastal development is a request to vacate an unimproved portion of the Dudley Street Right-of-Way. The proposed vacation is permitted with a Process Five City Council approval in accordance with the City of San Diego Land Development Code. The portion of the Dudley Street Right-of-Way proposed to be vacated is unimproved steep hillside that is not identified in the Peninsula Community Plan as a through street or required right-of-way for public use. Neither is the street identified as a public view corridor or open space element. Therefore, the proposed coastal development would conform with the certified Local Coastal Program and comply with the regulations of the certified Implementation Program.

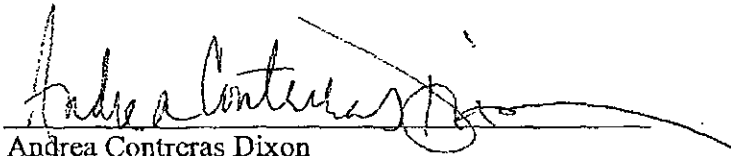
**4. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act.** The proposed coastal development is not located between the nearest public road and the shoreline and would not be subject to Chapter 3 of the California Coastal Act.

The above findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that Coastal Development Permit No. 209151 is granted to Daniel and Susan Frazee and The Morton Family Trust, Owners/Permittees, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: Jan Goldsmith, City Attorney

By



Andrea Contreras Dixon  
Deputy City Attorney

AD:hm  
02/02/09  
Or.Dept.DSD  
R-2009-828  
MMS#7651

000323

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
PERMIT INTAKE, MAIL STATION 501

**WHEN RECORDED MAIL TO**  
**CITY CLERK**  
**MAIL STATION 2A**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-6386

**COASTAL DEVELOPMENT PERMIT NO. 209151**  
**DUDLEY STREET VACATION – PROJECT NO. 43570**  
**CITY COUNCIL**

This Coastal Development Permit is granted by the City Council of the City of San Diego to Daniel and Susan Frazee and the Morton Family Trust, Owners/Permittees, pursuant to San Diego Municipal Code [SDMC] section 126.0708. The 3,600 square-foot site is located at 3520 Dudley Street and 3521 Dudley Street in the RS-1-4 zone of the Peninsula Community. The project site is legally described as a portion of the Dudley Street Right-of-Way established as part of Map No. 1435.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to vacate the adjacent sections of the Dudley Street Right-of-Way, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated \_\_\_\_\_, on file in the Development Services Department.

The project shall include:

- a. Vacation of the portions of the Dudley Street Right-of-Way described in the Exhibit A, Legal Description and shown on Exhibit 20256-B;
- b. Landscaping (planting, irrigation and landscape related improvements);

**STANDARD REQUIREMENTS:**

1. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this Permit as described in the SDMC will automatically void the Permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
  - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
3. Unless this Permit has been revoked by the City of San Diego the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.
4. This Permit is a covenant running with the subject property and shall be binding upon the Owner/Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action



to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

9. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

**INFORMATION ONLY:**

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on \_\_\_\_\_, 2009,  
pursuant No. \_\_\_\_\_.

000326

AUTHENTICATED BY THE CITY MANAGER

By: \_\_\_\_\_

\_\_\_\_\_  
The undersigned Owners/Permittees, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Owners/Permittees hereunder.

THE MORTON FAMILY TRUST

By \_\_\_\_\_  
DANIEL FRAZEE,  
Owner/Permittee

By \_\_\_\_\_  
SUSAN FRAZEE,  
Owner/Permittee

By \_\_\_\_\_

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1180 et seq.**

PERMIT/OTHER – Permit Shell 11-01-04

2/24/09  
# 338

**From:** Frank Hanson [hansonfe@att.net]  
**Sent:** Tuesday, February 24, 2009 11:24 AM  
**To:** CLK Hearings1  
**Subject:** comment on Project No. 43570

To the San Diego City Council members,

I wish to have my previous correspondence on this matter considered.

-----  
15 August, 2006

Cory Wilkinson,  
City Project Manager  
Re: Project 43570

We understand that the proposed Dudley Street vacation (Project 43570) as presented on the "Dudley Street Vacation Drawing" will result in the removal of a substantial length of street parking along both sides of Dudley fronting parcels #1, #2, and #3 and at the present street termination. The proposed semicircular street end will need to serve two driveways for parcels #2 and #3 and will therefore not be available for street parking. Presumably parking in front of the pedestrian easement connecting to the semicircle would be discouraged.

We find the proposed vacation does not serve a general community need. There is no reasonable expectation that Dudley will ever be developed into a through street connecting Albion and Gage. There will never be any community motivation for this. The proposed vacation will only serve the interests of the property holders fronting the vacation area. However, there are several negative impacts of this proposal:

1. The vacation would result in a shift of street parking onto adjacent sections of Dudley Street and also Albion Street. Essentially the proposal asks for transfer of city property to private property and the shift of parking burden to adjacent property frontage.
2. The loss of parking will make trash and recycle collection more difficult for parcels #2 and #3 which have lost street frontage.
3. Driveway access to parcel #2 would be compromised because of the confined space between the pedestrian easement and parcel #3.

Respectfully,

Frank Hanson  
727 Albion Street  
San Diego, CA 92106